

REMARKS

Claims 30 to 64 are pending in the application, with Claims 30, 35, 40 and 45 having been amended, and with Claims 50 to 64 having been added herein. Claims 30, 35, 40, 45, 50, 55 and 60 are the independent claims herein. Reconsideration and further examination are respectfully requested.

The specification was objected to for an informality. In this regard, Applicants submit that the amendments to the specification set forth herein render moot the foregoing objection to the specification. Accordingly, reconsideration and withdrawal of the objection to the specification are respectfully requested.

The claims were objected to for using the future tense term “to be” in the preamble of the independent claims. This objectionable Shakespearian phrase has been removed from the independent claims as amended herein. Accordingly, Applicant requests reconsideration and withdrawal of the foregoing claim objections.

Claims 30 to 49 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. The amendments to Claims 30, 35, 40 and 45 are believed to render moot the foregoing § 112 rejections, and Applicant therefore requests reconsideration and withdrawal of such rejections.

Claims 30 to 49 were also rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1 to 12 of parent U.S. Patent No. 6,210,051 (Sakurai). Reconsideration and withdrawal of this rejection are respectfully requested.

Turning to particular claim language, amended independent Claim 30 is directed to an information processing apparatus which is connectable to a device via a cable, the apparatus including a detecting unit adapted to detect whether or not the cable is connected to the information processing apparatus, an obtaining unit adapted to obtain a device ID in response to a detection, by said detecting unit, of the connected cable, a discriminating unit adapted to discriminate whether or not a device driver corresponding to the obtained device ID is installed, and a warning unit adapted to warn when said

discriminating unit discriminates that the device driver corresponding to the obtained device ID is not installed in the information processing apparatus.

In contrast, independent Claim 1 of the parent Sakurai patent is directed to an information processing apparatus connected to a device via a cable, the apparatus including a detecting unit adapted to detect whether or not the cable is connected to the information processing apparatus, an obtaining unit disposed such that when the detecting unit detects that the cable is connected to the information processing apparatus, the obtaining unit obtains a device ID of a device connected to a second end of the cable, a first discriminating unit disposed such that when the obtaining unit obtained the device ID via the cable, the first discriminating unit discriminates whether or not a device driver being activated in the information processing apparatus at the present time is able to control the device on the basis of the obtained device ID, and a warning unit disposed such that when the first discriminating unit discriminates that the device driver is not able to control the device, the warning unit warns that the device driver is not able to control the device.

Applicant submits that Claims 1 to 12 of the parent Sakurai patent are not seen to render obvious the foregoing combination of features of amended independent Claim 30, particularly with respect to at least the features of discriminating whether or not a device driver corresponding to the obtained device ID *is installed*, and a warning unit adapted to warn when the discriminating unit discriminates that the device driver corresponding to the obtained device ID *is not installed*.

More specifically, independent Claim 1 of the parent Sakurai patent is seen to be concerned with determining whether an appropriate device driver is activated in the information processing apparatus *at the present time*, and providing a warning if it is not. In other words, a determination is made if the *currently activated device driver* in the information processing apparatus is able to control the detected device, and the user is warned if the *currently activated device driver* is not appropriate. In contrast, amended independent Claim 30 of the present invention is concerned with whether a device driver

corresponding to the detected device *is installed*, and a warning is issued if one is not. In this manner, the claimed invention of the parent Sakurai patent is seen to provide a warning if the necessary driver for the detected device is not the *currently activated device driver*, even if the necessary driver is installed but not activated. In contrast, the claimed invention of amended independent Claim 30 is seen to provide a warning only when the necessary driver is *not installed*.

The remaining claims of the parent Sakurai patent are not seen to remedy the foregoing deficiencies of independent Claim 1 of the parent Sakurai patent with respect to amended independent Claim 30 of the present invention.

It is alleged in the Office Action that the independent claims of the present invention “merely eliminate from the set of elements and functions claimed in the previously patented invention ...”. Applicant submits that this is an improper assertion. In particular, nowhere are any of Claims 1 to 12 of the parent Sakurai patent seen to mention determining whether or not a necessary driver, regardless of being currently activated, is *installed* in the information processing apparatus. This different limitation of the independent claims of the present invention is not seen anywhere to be present in Claims 1 to 12 of the parent Sakurai patent. Accordingly, the claims of the present invention are different in scope with respect to Claims 1 to 12 of the parent Sakurai patent, but Applicant submits that the claims of the present invention are not the same claims as those of the parent Sakurai patent which “merely eliminate” elements and/or functions.

Accordingly, amended independent Claim 30 is believed to be patentable over the claims of the parent Sakurai patent, and therefore should be allowed. In addition, amended independent Claims 35, 40 and 45 are directed to method, computer-readable storage medium, and computer program product embodiments of amended independent Claim 30. Accordingly, amended independent Claims 35, 40 and 45 are also believed to be in condition for allowance for the same reasons discussed above with respect to amended independent Claim 30.

Newly-added independent Claims 50, 55 and 60 include at least substantially similar features as the foregoing independent Claims, in addition to installation of a necessary device driver. Accordingly, newly-added independent Claims 50, 55 and 60 are also believed to be in condition for allowance for the same reasons discussed above with respect to amended independent Claim 30.

The other pending claims are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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Attorney for Applicant

Registration No. 40,595

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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